IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE WINCHESTER DIVISION

Ashton Hughes,)
Joshua VanDusen,)
Shannon Helmers, and)
Charles Dodson,)
Plaintiffs,) No. 4:19-CV-00028-CLC-SKL
v.)
) JURY DEMAND
Denise Jackson and,)
RVShare, LLC.,)
)
Defendants.)
)

NOTICE OF COMPARATIVE FAULT ALLEGATIONS

COMES NOW Defendant RVshare, LLC, by and through the undersigned counsel, and pursuant to Paragraph 6(a) of the Scheduling Order entered in this matter on October 21, 2019 (Doc. 47), would assert its comparative fault allegations by adopting and incorporating by reference the comparative fault allegations contained in its Answer to Plaintiffs' First Amended Complaint (Doc. 31), and expanding upon them as follows:

- 1. The injuries and damages alleged by the Plaintiffs were caused by one or more of the Plaintiffs when the generator, the generator's exhaust system, the carbon monoxide detector, and/or other part(s) of the RV rented by Plaintiff Ashton Hughes from Defendant Denise Jackson were damaged while under the Plaintiffs' exclusive control and possession.
- 2. The Plaintiffs failed to mitigate their damages by continuing to use the RV, generator, etc., after they knew or should have known that the same was in a condition that could be dangerous.
- 3. The Plaintiffs are barred from recovery because of their comparative fault, jointly and severally, which was more than 50% of the proximate and legal cause of their injuries and

damages. Alternatively, in the event only one of the Plaintiffs is found to be at fault for the

injuries and damages alleged by the Plaintiffs, that Plaintiff should be apportioned fault

accordingly for the injuries and damages of the remaining Plaintiffs.

4. The Plaintiffs have alleged the fault of Defendant Denise Jackson. RVshare, LLC,

would assert that if the allegations contained in the Plaintiffs' Amended Complaint as they relate

to Defendant Denise Jackson are proven, they would amount to fault which should be compared

with the fault of the remaining parties in accordance with the doctrine of comparative fault.

As investigation and discovery are ongoing, RVshare, LLC, reserves the right to assert

additional allegations of comparative fault as new information becomes available.

Respectfully submitted this 31st day of January, 2020.

COPELAND, STAIR, KINGMA & LOVELL, LLP

/s/ G. Graham Thompson

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CERTIFICATE OF SERVICE

This is to certify the foregoing pleading was filed electronically and that the notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

This 31st day of January, 2020,

COPELAND, STAIR, KINGMA & LOVELL, LLP

/s/ G. Graham Thompson